

United States District Court  
Eastern District of California

Jeffrey Marshall,

Plaintiff,

vs.

Solano County Sheriff, et al.,

Defendants.

No. Civ. S 04-1657 DFL PAN P

Order

-oOo-

Plaintiff filed this civil rights action as a jail inmate, suing his jailors and proceeding without counsel.

The court approved service on nine defendants and seven, all except Davis and Solano County Sheriff, have answered.

The Marshal has indicated that summons for Solano County Sheriff was forwarded for personal service November 10, 2005.

Good cause appearing, the court hereby orders that:

1. July 7, 2005, findings and recommendations claims against Solano County Sheriff be dismissed under Fed. R. Civ. P.

1 4(m) be vacated.

2 2. It appears plaintiff wishes to withdraw claims against  
3 Davis. The court will dismiss such claims under Fed. R. Civ. P.  
4 41(a) unless plaintiff indicates within 10 days that he wants to  
5 pursue them.

6 3. Plaintiff's August 15 and 16, 2005, motions to grant and  
7 extend discovery are denied because no court order is required  
8 for plaintiff to conduct discovery.

9 4. November 16, 2005, defendants Cullinson, Castro, Molloy  
10 and Headley moved for a protective order prohibiting their  
11 depositions. Defendants claim plaintiff is in custody of the  
12 California Department of Corrections and assert that examining  
13 them at deposition would imperil prison security. Plaintiff  
14 filed a notice of change of address November 29, 2005, indicating  
15 he is out of state custody and thus most of defendants' arguments  
16 are moot. No ground raised by defendants warrants a protective  
17 order barring their examination at deposition, assuming the scope  
18 of examination is limited by Fed.R.Civ.P. 26 and plaintiff  
19 satisfies the requirements of Fed. R. Civ. P. 30 for notice,  
20 designating a deposition officer, and providing an authorized  
21 method of recording. Defendants' November 16, 2005, motion for a  
22 protective order is denied.

23 Dated: December 27, 2005.

24 /s/ Peter A. Nowinski  
25 PETER A. NOWINSKI  
26 Magistrate Judge